IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 755 of 1992

Date of Decision :- March 21, 2007

Om Parkash ....PETITIONER

VERSUS

State of Haryana ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. Sunil Kumar Sharma, Advocate and
Mr. Harmandeep Singh, Advocate
for the petitioner.

Mr. Kulvir Narwal, Addl. Advocate General, Haryana.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 3.11.1992 of the Additional Sessions Judge, Karnal, affirming the judgment/order dated 2.4.1991/3.4.1991 of the Judicial Magistrate 1st Class, Karnal, whereby he convicted Om Parkash son of Notan Dass under Section 494 IPC and sentenced him to undergo R.I. for two years and to pay a fine of Rs.1,000/-, in default to further undergo R.I. for three months.

The case of the prosecution is that complainant Ved Parkash is the real brother of Smt. Darshna Rani, who was married to Om Parkash on 2.7.1975 at Village Indri, District Karnal, according to Hindu rites. Om Parkash filed a divorce petition against Darshna Rani on 4.1.1982. After about two months of the marriage, petitioner Om Parkash started harassing Darshna Rani for bringing less dowry. Darshna Rani's father, paid a sum of Rs.10,000/- cash, with the hope that her husband would stop harassing her. After one year Darshna Rani was turned out of her house and she started residing with her parents. Petitioner Om Parkash solemnized a second marriage on 14.10.1983, with Smt. Sita Rani of Nilokheri. This marriage was attended by Shri Jai Dayal, Veer Bhan and others. Out of the second marriage, a son Vijay Kumar was born on 4.9.1984.

The prosecution to prove its case brought into the witness box Ved Parkash as PW1, Jai Dayal PW2, Kanwar Bhan as PW3, Darshana Rani as PW4 and Narsi Dass PW5.

I have heard the learned counsel for the parties, perused the impugned judgments and the record with their assistance.

Marriage of Darshana Rani with the petitioner is not disputed. Complainant Ved Parkash PW1, has stated about the marriage of his sister with the petitioner. Further the marriage of Darshana with the petitioner also stands proved by the statements of Milkhi Ram DW1, Harbhajan Singh DW2, Mehal Singh DW4 and Balraj DW5. In fact the petitioner has admitted his marriage with Darshana Rani in his statement under Section 313 Cr.P.C. The factum of second marriage of the petitioner has been proved by the statements of complainant Ved Parkash PW1, Jai Dayal

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PW2, who is a neighbour of the petitioner and Veer Bhan PW3, another neighbour of the petitioner. Veer Bhan PW3, witness to the second marriage of the petitioner, has also supported the case of the prosecution. Complainant Ved Parkash prodcued Darshana Rani, the first wife of Om Parkash petitioner as PW4, who has also reiterated what the complainant has said. Narsi Dass Clerk of Municipal Council, Karnal PW5, produced the birth register of the year 1984 and at Sr.No.2426, there is an entry of boy being born namely Vijay Kumar son of Om Parkash and the mother being Sita Rani, resident of H.No.92, Ram Nagar, Karnal. The date of birth is mentioned as 4.9.1984. Certified copy of the birth certificate is Ex.PW5/A. Second marriage of the petitioner has been proved.

I do not find any infirmity in the judgment of the learned Additional Sessions Judge, Karnal.

Occurrence is of the year 1983 and the revision in this Court is pending since 1992. The sword of conviction is hanging over the head of the petitioner for the last 24 years, which itself is a punishment. Sentence of the petitioner is modified to that already undergone.

With the above modification in sentence, revision petition is dismissed.

March 21, 2007 **(MEHTAB S.GILL)**
S.K.Arora **JUDGE**